

IN RE: PETITION FOR ZONING VARIANCE
S/S Clifford Road, 72.5' from
and 359' W of the c/l of
Lawrence Hill Road
(5037 Clifford Road)
11th Election District
5th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-34-A

Gerhard A. Voegelé, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 6 feet, 4 inches in lieu of the required 11.25 feet for an open projection (deck) as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Mr. Voegelé, appeared and testified. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of August, 1988 that the Petition for Zoning Variance to permit a rear yard setback of 6 feet, 4 inches in lieu of the

required 11.25 feet for an open projection (deck) in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

August 3, 1988



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Gerhard A. Voegelé
5037 Clifford Road
Perry Hall, Maryland 21128

RE: PETITION FOR ZONING VARIANCE
S/S Clifford Road, 72.5' from and 359' W of the c/l of
Lawrence Hill Road (5037 Clifford Road)
11th Election District; 5th Councilmanic District
Case No. 89-34-A

Dear Mr. & Mrs. Voegelé:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs
Enclosure
cc: People's Counsel

File

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 7/6/88

Posted for: Gerhard A. Voegelé, et ux

Petitioner: Gerhard A. Voegelé, et ux

Location of property: S/S Clifford Rd. 72.5' from c/l of Lawrence Hill Rd. & 359' W of c/l of Lawrence Hill Rd. (5037 Clifford Rd.)

Location of Signs: Front of property at 5037 Clifford Rd. & 359' W of c/l of Lawrence Hill Rd.

Remarks: See attached Petition for Zoning Variance

Posted by: [Signature] Date of return: 7/8/88

Number of Signs: 1

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., July 7, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 7, 1988

THE JEFFERSONIAN,

S. Zake-Orlman
Publisher

33.75

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance
Case Number: 89-34-A
S/S Clifford Road, 72.5' from c/l and 359' W of c/l Lawrence Hill Road (5037 Clifford Road)
11th Election District
5th Councilmanic District
Petitioner(s): Gerhard A. Voegelé, et ux
Hearing Date: Thursday, July 28, 1988 at 10:00 a.m.
Variance to allow a rear yard setback of 6 feet 4 inches in lieu of the required 11.25 feet for an open projection (deck).
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
2016 July 7

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

June 14, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-34-A
S/S Clifford Road, 72.5' from c/l and 359' W of c/l Lawrence Hill Road (5037 Clifford Road)
11th Election District - 5th Councilmanic District
Petitioner(s): Gerhard A. Voegelé, et ux
HEARING SCHEDULED: THURSDAY, JULY 28, 1988 at 10:00 a.m.

VARIANCE to allow a rear yard setback of 6 feet 4 inches in lieu of the required 11.25 feet for an open projection (deck).

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Gerhard A. Voegelé, et ux
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: July 15, 1988



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Gerhard A. Voegelé
5037 Clifford Road
Perry Hall, Maryland 21128

Re: Petition for Zoning Variance
CASE NUMBER: 89-34-A
S/S Clifford Road, 72.5' from c/l and 359' W of c/l Lawrence Hill Road (5037 Clifford Road)
11th Election District - 5th Councilmanic District
Petitioner(s): Gerhard A. Voegelé, et ux
HEARING SCHEDULED: THURSDAY, JULY 28, 1988 at 10:00 a.m.

Dear Mr. & Mrs. Voegelé:

Please be advised that the fee of \$94.95 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

JRH:gs
cc: File

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-34-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1.022.1, B.C.Z.R. (V.B. 5.1.1, C.M.P.L.) to allow a rear yard setback of 6 feet 4 inches in lieu of the required 11.25 feet for an open projection (deck). See prior Case No. 89-12-SPHAL.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the NE #1 following reasons: (indicate hardship or practical difficulty)
1. EXPERIMENTAL HOUSING PROJECT CHANGES TO TENTATIVELY THAT SPACE IS LIMITED FOR REASONABLE EXHAUSTION. SET BACK LINE REVERSES BUILDING AREA INFRASTRUCTURE.
 2. STAIR LEADING TO HOUSE CHANGES EXTREME WET CONDITIONS, EVEN WITH MOSQUITO RAIN FALL.
 3. CONSTRUCTION IS ALREADY NEAR COMPLETION, DUE TO LACK OF KNOWLEDGE OF LAWS THAT REQUIRE PERMITS FOR CONSTRUCTION PROJECTS.

Property is to be posted and advertised as prescribed by Zoning Regulations.

If above Variance advertising, posting, etc. upon filing of this petition is to be bound by the zoning regulations and restrictions of the Zoning Law For Baltimore County.

Legal Owner(s):

Gerhard A. Voegelé
(Type or Print Name)
Gerhard A. Voegelé
Signature

Gerhard A. Voegelé
(Type or Print Name)
Gerhard A. Voegelé
Signature

Gerhard A. Voegelé
(Type or Print Name)
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Gerhard A. Voegelé
(Type or Print Name)
Gerhard A. Voegelé
Signature

ZONING DESCRIPTION

BEGINNING ON THE SOUTH SIDE OF CLIFFORD ROAD, SET BACK FROM THE STREET CENTER LINE (CL) AT 72.5 FEET. DUE WEST, 359 FEET FROM THE CL OF LAWRENCE HILL ROAD. DESCRIBED AND KNOWN AS LOT 27, BLOCK 22 IN THE SUBDIVISION OF LAWRENCE HILL, BOOK #54, FOLIO CO9, SECTION 3. POSTAL ADDRESS IS KNOWN AS 5037 CLIFFORD ROAD, IN THE 11TH ELECTION DISTRICT.

